

**Notice of Allowability**

Application No.

10/733,593

Applicant(s)

EATON ET AL.

Examiner

Wanda M. Negrón

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 9/14/2007.
2. ☒ The allowed claim(s) is/are 1-28 and 32, renumbered consecutively as claims 1-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☒ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see pages 10-11, filed on 9/14/2007, with respect to claims 1-28 and 32 have been fully considered and are persuasive. The rejection of claims 1-28 and 32 has been withdrawn.

### *Examiner's Amendment*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer K. Stewart, Reg. No. 53,639, on February 5, 2008.

The application has been amended as follows:

- Please **cancel claims 29-31**.
- Please **replace claim 28** with the following recitation:

*"A method of capturing an image with a camera comprising:*

*transmitting light through a transparent diaphragm of a speaker to an adjacent lens of the camera; and*

*selectively controlling the optical properties of the camera with a speaker controller to selectively set a focal length of the camera, wherein selectively controlling the optical properties of the camera comprises applying a control signal from the speaker controller to the speaker to selectively vary a distance between the transparent diaphragm and the lens or to selectively modify a radius of curvature of the transparent diaphragm."*

***Allowable Subject Matter***

**Claims 1-28 and 32 are allowed.**

The following is an examiner's statement of reasons for allowance:

Regarding **claims 1-9**, the relevant prior art fails to disclose or reasonably suggest a combination camera and loudspeaker comprising a lens for selectively capturing and manipulating an image; and a loudspeaker assembly disposed proximate the lens for projecting audible sounds, said *loudspeaker comprising a speaker coil disposed around at least a portion of an outer perimeter of the lens; and a transparent diaphragm connected to the speaker coil and aligned with at least a portion of the lens.*

Regarding **claims 10-14**, the relevant prior art fails to disclose or reasonably suggest a method of manipulating an image with a camera assembly comprising a camera with a lens and loudspeaker with a transparent diaphragm, the method comprising *aligning the transparent diaphragm with at least a portion of the lens; and*

selectively controlling optical properties of the transparent diaphragm to selectively set a focal length of the camera.

Regarding **claims 15-27**, the relevant prior art fails to disclose or reasonably suggest a camera assembly comprising a lens for selectively manipulating an image; a loudspeaker comprising a transparent diaphragm aligned with at least a portion of the lens; and a controller for selectively controlling optical properties of the transparent diaphragm to enable the transparent diaphragm to further manipulate the image.

Regarding **claims 28 and 32**, the relevant prior art fails to disclose or reasonably suggest a method of capturing an image with a camera comprising transmitting light through a transparent diaphragm of a speaker to an adjacent lens of the camera; and selectively controlling the optical properties of the camera with a speaker controller to selectively set a focal length of the camera, wherein selectively controlling the optical properties of the camera comprises applying a control signal from the speaker controller to the speaker to selectively vary a distance between the transparent diaphragm and the lens or to selectively modify a radius of curvature of the transparent diaphragm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622  
February 4, 2008



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER